

S/N 10/772,677
AMENDMENT

ATTY DOCKET NO. 14475

wedging said legs against said friable material, causing said anchor thread to further engage said friable material, increasing the pullout strength of said anchor.

REMARKS

This is in response to the Office action mail July 14, 2004. In the above amendment, original claims 1 through 10 are presented again in their original form. New claims 11 through 21 are added in order to delineate further features of applicant's invention. In particular, new claims 20 and 21 present method claims. Support for new claims 11 through 13 is found in the description at paragraph 0036. Support for new claims 14 through 19 is found in the description at paragraph 0040. Support for new method claims 20 and 21 is found in the description at paragraphs 0042-0045.

Importantly, and as clearly set forth in original claim 1, the Applicants' anchor includes a generally rearwardly facing shoulder which is angled obtusely outwardly with respect to the axis of the anchor body. New claims 11 through 19 depend from claim 1 and add further limitations concerning values and/or ranges of this obtuse angle as set forth in paragraph 0036 of the Description. New claims 20 and 21 also call for the rearward facing shoulder and for the elongated fastener engaging and sliding in contact with this shoulder and continuing in a forward direction until the legs are forced into an anchoring mode, pivoted apart from one another.

Originally submitted claims 1-3, 5, 6, 8 and 9 stand rejected under 35 USC 102 (b) is anticipated by the West et al. US patents numbers 6,354,779 and 6,186,716. Indication of the allowability of claims 4 and 7, and the allowance of claim 10, is noted with appreciation. Reconsideration of the rejected claims is requested in view of the remarks which follow.

Upon reconsideration, and as indicated hereinabove, claim 1 calls for a rearward facing shoulder angled obtusely outwardly with respect to the axis of the anchor. This feature is neither taught nor suggested by the above-mentioned West et al. references. Rather, the West et al. structure appears to rely upon the fastener forcing apart the threaded sides of the anchor by breaking of a weak bond between one these sides and the

S/N 10/772,677
AMENDMENT

ATTY DOCKET NO. 14475

drilling portion. It further appears that the West et al. Patents do not contemplate the fastener extending downwardly to the extent of the (unnumbered) end surface of the anchor's inner cavity, but rather that the spreading of the threaded sides will occur prior to this. Moreover, as noted in the Applicants' description, the provision of the obtusely angled shoulder avoids a shortcoming in a structure of the sort taught by West et al., in that as Applicant's fastener advances it will push the drilling tip away from the end of one leg of the anchor, rather than screw into the drilling trip 28, which would prevent the desired pivoting of the legs. See for example Applicant's description, paragraph 0034.

Claims 2, 3, 5, 6, 8 and 9 depend directly or indirectly from claim 1 and are patentable with claim 1 for generally the same reasons given above in support of claim 1. In addition to these reasons, claim 3 is believed additionally patentable, because it calls for a zig-zag shape defining crocodile-like interfacing teeth on the legs, and this feature appears to be absent from the West et al. patents and has not been addressed in the reasons for rejection given in this Office action. In addition, claim 8 calls for the elongated fastener to engage and slide along the rearward facing shoulder and continue in a forward direction until the legs are forced into the anchoring mode. As mentioned above, it does not appear that the West et al. Patents disclose or suggest an anchor having a structure which would permit this type of engagement by the fastener.

New claims 11 through 13 are patentable with claim 1 for the reasons given above and additionally, because of the range/value of the obtuse angle of the shoulder, which is called for in each of these claims. There is no apparent basis in the West et al. patents or any of the art of record to provide an angled shoulder of this type, much less particular angles or ranges of angles of the shoulder.

New claims 20 and 21 are patentable for the reasons given above in support of claim 1, namely, that both call for the rearward facing shoulder angled obtusely outwardly with respect to the axis of the anchor, and for the elongated fastener to engage and slide along the shoulder and continue in a forward direction until legs are forced into an anchoring mode.

In view of the foregoing amendments and remarks, the claims as now presented are believed patentable over the art of record, and therefore favorable reconsideration is

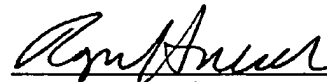
S/N 10/772,677
AMENDMENT

ATTY DOCKET NO. 14475

requested. The Examiner is invited to telephone Applicant's undersigned representative, if anything further which appears to be necessary to allowance of the application could be addressed by a way of telephone interview.

Respectfully submitted,

Dated this 11th day of October, 2004.


Roger J. French
Reg. No. 27,786
BEEM PATENT LAW FIRM
53 W. Jackson Blvd, Suite 1352
Chicago IL 60604-3787
Tel. (312) 201-0011
Fax (312) 201-0022